



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yukihiro NAKASAKA et al.

Group Art Unit: 3747

Application No.: 10/058,305

Examiner: B. Mohanty

Filed: January 30, 2002

Docket No.: 111568

For: CONTROL APPARATUS FOR MULTI-CYLINDER INTERNAL COMBUSTION
ENGINE AND CONTROL METHOD

RESPONSE TO RESTRICTION/ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the March 22, 2004 Restriction/Election of Species Requirement, the shortened statutory period for reply being extended by the attached Petition for Extension of Time, Applicants hereby elect Group III, claims 19-24 and Species L, Figure 19. The elections are made with traverse. Applicants submit that claims 19-24, 35 and 36 read on the elected Species. Thus, Applicants elect claims 19-24; however, Applicants respectfully submit that at least claim 35 should be examined with claims 19-24.

It is also respectfully submitted that the subject matter of all pending claims is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must

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examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office. Moreover, Applicants note the class/sub-class identified in the Restriction Requirement for Groups III (claims 19-24) and VII (claims 32-35) are identical, and thus the search for at least these two groups appears to be identical.

The Examiner also is requested to consider the references submitted with the Information Disclosure Statement filed with this application on January 30, 2002.

Thus, withdrawal of the Restriction/Election of Species Requirement is respectfully requested.

Respectfully submitted,



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JAO:MAC/ccs

Attachment:
Petition for Extension of Time

Date: May 14, 2004

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